

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FLOARE MOISSIU,

Petitioner,

v.

UNITED STATES CITIZENSHIP AND  
IMMIGRATION SERVICES, *et al.*,

Defendants.

Case No. 2:10-CV-00218-KJD-LRL

**ORDER**

Presently before the Court are Plaintiff's Motion to Correct Certificate of Naturalization (#1) and Motion to Amend Birth Certificate for Naturalization Paperwork (#3).

Petitioner's Certificate of Naturalization was issued on December 4, 2009. Since final action has been taken on Petitioner's petition for naturalization, her application to the court to amend her petition for naturalization must be served upon the district director having administrative jurisdiction over the territory in which the court is located.<sup>1</sup> See 8 C.F.R. § 334.16(b). Plaintiff has not filed proof of service as required by the federal regulations and Federal Rules of Civil Procedure on any party. Additionally, Plaintiff bears the burden of proving that the date on her Certificate of

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<sup>1</sup>As of June 14, 2010, the district director having administrative jurisdiction over Nevada was John Kramar of the Phoenix District Office, 2035 North Central Avenue, Phoenix, AZ 85004-1548.

1 Naturalization is incorrect and her alleged date of birth is her correct date of birth. See Kounchao v.  
 2 U.S. Citizenship and Immigration Services, 358 F.Supp.2d 837, 838 (D. Minn. 2005). Because  
 3 Plaintiff has failed to comply with the rules requiring service of her petition to correct the Certificate  
 4 of Naturalization, the Court denies the motions without prejudice.

5 However, Plaintiff is ordered to file an amended petition to correct the Certificate of  
 6 Naturalization within thirty days.<sup>2</sup> Furthermore, since Plaintiff bears the burden of proving that she  
 7 is entitled to an amendment to her Certificate of Naturalization, she should verify her complaint in  
 8 accordance with 28 U.S.C. § 1746 by including the statement: “I declare under penalty of perjury that  
 9 the foregoing is true and correct. Executed on [insert date] [signature].”

10 Finally, Plaintiff must send a copy of her amended petition via registered or certified mail to  
 11 the following three individuals:

- 12 • Attorney General Eric Holder  
 U.S. Department of Justice  
 13 950 Pennsylvania Avenue, NW  
 Washington, DC 20530-0001
- 14 • United States Attorney Daniel G. Bogden  
 15 333 Las Vegas Blvd. South, Suite 5000  
 Las Vegas, NV 89101
- 16 • Phoenix District Director USCIS John Kramar  
 17 2035 North Central Avenue  
 Phoenix, AZ 85004-1548

18 Plaintiff shall file her amended petition within thirty (30) days of the entry of this order. Plaintiff  
 19 shall then provide proof of service of the amended petition within sixty (60) days of the entry of this  
 20 order. Failure to abide by these orders will result in Plaintiff’s petition being dismissed.  
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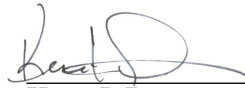
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22 <sup>2</sup>Some courts require petitioners to submit an application to correct the certificate of  
 23 naturalization on Form N-410, the form for amending a petition for naturalization while the petition  
 24 is still pending. See 8 C.F.R. § 334.16(a). However, it appears that the USCIS’ Operational  
 25 Instructions (“OI”) prohibits USCIS employees from distributing Form N-410 for this purpose. See  
 26 USCIS OI 334.10. Therefore, Plaintiff need only submit her application or petition to amend her  
 Certificate of Naturalization in writing. The petition/application should be entitled “First Amended  
 Petition” and contain her name, the present case number (2:10-cv-00218-KJD-LRL) and a brief  
 recitation of the facts necessary for the Court to determine she is entitled to an amendment of her  
 certificate.

1 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Motion to Correct Certificate of  
2 Naturalization (#1) and Motion to Amend Birth Certificate for Naturalization Paperwork (#3) are  
3 **DENIED without prejudice;**

4 **IT IS FURTHER ORDERED** Petitioner file an amended petition within thirty (30) days of  
5 the entry of this order.

6 DATED this 20<sup>th</sup> day of September 2010.

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10 Kent J. Dawson  
United States District Judge  
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